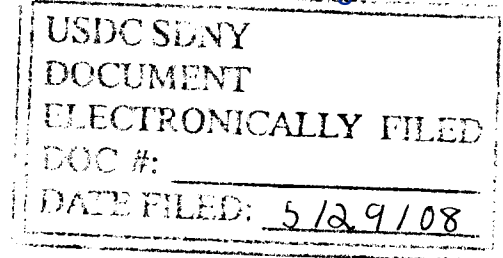
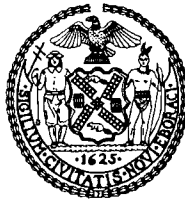


MAY 29 2008



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May 29, 2008

**Via Hand Delivery**

Honorable Richard M. Berman  
United States District Judge, SDNY  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**  
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Re: Mark Kapiti v. Raymond W. Kelly, et al., 07 Civ. 3782 (RMB) (KNF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of defendants City of New York, Police Commissioner Raymond W. Kelly, and the Property Clerk of the New York City Police Department ("City defendants"). In that regard, third-party plaintiff City of New York (the "City") writes to respectfully request that the Court extend the deadline to submit opposition papers to third-party defendant American Honda Finance Corporation's ("American Honda") motion to dismiss the third-party complaint until June 5, 2008. Counsel for the City called counsel for American Honda this morning and left a message but was advised by the secretary for American Honda's counsel that he had left for court.

As background, by Order, dated May 1, 2008, Your Honor ordered that American Honda's motion to dismiss the third-party complaint was due by May 22, 2008, the City's response was due by May 29, 2008, and American Honda's reply was due by June 5, 2008. Discovery is scheduled to close in the instant action on May 30, 2008, and the parties have been working diligently to complete discovery within the guidelines set by the Court. Depositions in this case have already been taken and more are scheduled to be completed this week. Moreover, the City only received American Honda's motion to dismiss the third-party complaint four business days ago. American Honda's motion addresses legal issues that have not been raised with particularity in the past. Thus, given the hectic discovery schedule in this case and in order to properly research and respond to the issues raised in American Honda's motion, City of New York respectfully requests a short one week extension of time to respond to the motion.

Accordingly, the City respectfully requests that the Court extend the City's deadline to submit opposition papers to third-party defendant American Honda Finance Corporation's motion to dismiss the third-party complaint until June 5, 2008.

I thank the Court for its consideration herein.

Respectfully submitted,

Philip J. Fenn

Philip S. Frank (PF-3319)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: **Via Facsimile (212) 297-0777**

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Extension granted to 6/6/08  
 (A) NOON; reply due by 6/13/08  
 (A) NOON.

SO ORDERED:  
 Date: 5/29/08 Richard M. Berman  
 Richard M. Berman, U.S.D.J.